

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

In the Matter of the Petition of)
C. J. Callahan for Review of)
California Regional Water)
Quality Control Board, North)
Coast Region, Order No. 77-33;)
Lea Anderson and Judith)
Greenleaf for Review of)
California Regional Water)
Quality Control Board, North)
Coast Region, Order No. 77-34;)
and Clean Water Action Project)
for Review of California)
Regional Water Quality Control)
Board, North Coast Region,)
Orders Nos. 77-32, 77-33 and)
77-34. Our Files Nos. A-167,)
A-166, and A-168, respectively.)

Order No. WQ 78-19

BY THE BOARD:

This order is in response to three petitions for review of certain orders of the California Regional Water Quality Control Board, North Coast Region (Regional Board), which set waste discharge requirements for Louisiana Pacific Corporation for three new wood waste disposal sites. These matters have been consolidated for our consideration pursuant to Section 2054 of Title 23, California Administrative Code. They are the petition of C. J. Callahan for review of Regional Board Order No. 77-33 (our File No. A-167); the petition of Lea Anderson and Judith Greenleaf for review of Regional Board Order No. 77-34 (our File No. A-166); and the petition of the Clean Water Action Project for review of Regional Board Orders Nos. 77-32, 77-33 and 77-34 (our File No. A-168).



I. BACKGROUND

The Louisiana Pacific Corporation proposed to establish three new wood waste disposal sites for the disposal of sawdust, bark and other wood waste from its Fort Bragg Studmill. On February 24, 1977, after holding a public hearing, the Regional Board adopted three sets of waste discharge requirements for the disposal sites which are located in Mendocino County near the Big River, near the town of Caspar, and near the town of Little River.

On March 24, 1977, Mr. C. J. Callahan petitioned the State Board for review of Regional Board Order No. 77-33, which sets waste discharge requirements for the Louisiana Pacific Corporation's new wood waste disposal site near Caspar. The petition was later amended and raises three contentions.

First, it is alleged that the Regional Board erred in failing to take into consideration the proximity of the Caspar Dump and its problems. Second, it is contended that since the disposal site may ultimately cause groundwater degradation, a negative declaration was inappropriate. Finally, it is asserted that the Regional Board erred in not making any effective provisions for the future.

On March 25, 1977, the State Board received a petition from Lea Anderson and Judith Greenleaf for review of Regional Board Order No. 77-34, which sets waste discharge requirements for the Louisiana Pacific Corporation's new wood waste disposal site in the town of Little River. The petitioners assert that the Regional Board acted with inadequate information about the groundwater

degradation which will result from use of the area as a wood waste disposal site. They also object to the fact that an EIR was not available for Regional Board review.

On March 21, 1977, the Clean Water Action Project petitioned the State Board for review of Regional Board Orders Nos. 77-32, 77-33 and 77-34. These orders set waste discharge requirements for all three of the new wood waste disposal sites. Petitioner asserts that the Regional Board erred in merely considering adverse environmental impacts on water quality rather than considering all environmental impacts, including those which are non water quality related. In addition, it is asserted that the Regional Board improperly delegated some of its environmental review responsibilities to a local agency. Finally, petitioner contends that the action taken by the Regional Board was not sufficient to qualify as a "functional equivalent" for use in lieu of an EIR.

The discharger, Louisiana Pacific Corporation, has received copies of all three petitions and amendments thereto. It is the position of the discharger that all environmental issues have been adequately addressed and considered, that all resources are protected and that the necessary and appropriate procedures were followed in adopting the waste discharge requirements.

By letter of August 10, 1978, consolidation of all of these proceedings was proposed pursuant to State Board regulations (Title 23, California Administrative Code, Chapter 3, Section 2054), based on the shared factual background and the similarity of issues raised by the petitions. Petitioners were provided an opportunity to file objections to consolidation. No objections were filed.

The same letter of August 10, 1978, notified the parties (and other interested persons) that these consolidated proceedings would be decided upon the existing record and that no hearing would be held by the State Board. The parties were provided twenty days from the date of the letter to submit all additional argument and comment for the Board to consider in resolving these matters. No submissions were received.

II. CONTENTIONS AND FINDINGS

Following is a discussion of the major contentions raised by the petitioners.

1. Contention: Petitioner C. J. Callahan, whose property abuts the Caspar wood waste disposal site, asserts that use of the proposed site will degrade groundwater in the area by production of acidic leachate.

Findings: Review of the Regional Board record indicates that this disposal site meets the criteria contained in the California Administrative Code, Title 23, Chapter 3, Subchapter 15, Section 2511, for classification as a Class II-2 disposal site suitable to receive certain types of Group 2 wastes including bark and other wood wastes. Class II-2 disposal sites are defined in Section 2511 as those sites "having vertical and lateral hydraulic continuity with usable groundwater but for which geological and hydraulic features such as soil type, artificial barriers, depth to groundwater, and other factors will assure protection of the quality of usable groundwater underneath or adjacent to the site."

Regional Board records indicate that Doyle Creek, which separates the petitioner's property and the disposal site, is deeper than the disposal site trenches.

This would indicate that leachate from the disposal area would be intercepted by the creek before mixing with the petitioner's well water, especially since the percolated leachate would have to flow laterally, as its vertical percolation is restricted by the presence of a clay layer in the area. Furthermore, any leachate from the disposal site would have to percolate through the soil underneath the creek some distance to the petitioner's well. Therefore, there are sufficient factors to assure protection of groundwater in the area of petitioner's well.

Section 2511 of the State Board regulations also requires that the following specific criteria be met to qualify as a Class II disposal site. One of the major purposes of these regulations is to minimize the production of leachate by minimizing contact between waste and surface and ground waters in the area. As can be seen from the particular sections of the waste discharge requirements which are referenced following each criterion, the Regional Board has met the standards established by these regulations in setting requirements for the site.

"Section 2511(a). Disposal areas shall be protected by natural or artificial features so as to assure protection from any washout and from inundation which would occur as a result of tides or floods having a predicted frequency of once in 100 years."

Order No. 77-33, Discharge Specification No. 16 provides that the disposal area shall be protected from any washout or erosion of wastes or covering material, and from inundation which could occur as a result of floods having a predicted frequency of once in 100 years.

In addition, Discharge Specification No. 9 requires that annually, prior to the anticipated rainfall period, all necessary runoff diversion channels shall be in place to prevent erosion or flooding of the site.

"Section 2511(b). Surface drainage from tributary areas shall not contact Group 2 wastes in the site during disposal operations and for the active life of the site."

Order No. 77-33, Discharge Specification No. 7 requires that surface drainage from tributary areas, and internal site drainage from surface and subsurface sources shall not contact or percolate through Group 2 wastes discharged at the site.

"Section 2511(c). Gases and leachate emanating from waste in the site shall not unreasonably affect groundwater during the active life of the site."

Order No. 77-33, Discharge Specification No. 13 requires that there shall be no runoff of leachate to land which is not controlled by the discharger.

In addition, Discharge Specification No. 12 provides that there shall be no discharge of leachate to Doyle Creek or any of its tributaries.

"Section 2511(d). Subsurface flow into the site and the depth at which water soluble materials are placed shall be controlled during construction and operation of the site to minimize leachate production and assure that the Group 2 waste material will be above the highest anticipated elevation of the capillary fringe of the groundwater. Discharge from the site shall be subject to waste discharge requirements."

Order No. 77-33, Discharge Specification No. 3

states that no Group 2 wastes shall be deposited in any area excavated more than five feet below the elevation of the natural ground surface. (Regional Board records indicate that groundwater is approximately ten feet below the surface of the site; See letter to Mr. Dennis Salisbury, Regional Board, from A. Kelly Stalker, Louisiana Pacific Corporation, dated December 8, 1976.)

Discharge Specification No. 10 requires that each completed disposal trench shall be capped with at least one foot of earthen material compacted to a permeability of 10^{-6} cm/Sec. or less.

Discharge Specification No. 11 requires that the five-foot layer of wood waste placed over the trenches shall be capped with least two feet of earthen material compacted to a permeability of 10^{-6} cm/Sec. or less, and the area shall be revegetated.

In December 1976, the State Board adopted general guidelines and minimum standards for implementation of the regulations relative to waste disposal to land. (See "Waste Discharge Requirements for Nonsewerable Waste Disposal to Land, Disposal Site Design and Operation Information".) Of particular concern to the issue herein is the following comment about Section 2511(d):

"Specification of the distance separating the base of Group 2 wastes and the groundwater table must be established on an individual site basis. Variables may include types of Group 2 wastes (based upon expected rate of decomposition), soil permeability and quality of groundwater. The lowest elevation (USGS Datum) of Group 2 waste placement will normally be specified. The minimum separating distance between Group 2 waste and the highest anticipated groundwater level is considered to be five feet, unless water quality, underlying soil materials, or the installation of a barrier would permit a reduced distance. Commonly, greater separating distances, in the order of ten to twenty feet are required. Group 3 material may be placed below specified minimum elevation.

"Disposal of Group 2 wastes below the level of the regional water table would require construction of engineering features, such as an infiltration or leachate control barrier so as to prevent contact of the wastes by the groundwater. Such placement of Group 2 wastes would require presentation of sufficient data and information to demonstrate that exceptional circumstances were involved, such as type of water quality and proper site design and construction." (Ibid. p. 22)

The waste discharge requirements set forth above limit the placement of waste with respect to groundwater, require treatment of the disposal site such that the surface is rendered impermeable, and require diversion of surface runoff. These measures as well as the fact that the soil in the area is generally composed of heavy clay and hardpan to a depth of 10 1/2 to 11 feet (See letter to Mr. Dennis Salisbury of the Regional Board staff from A. Kelly Stalker, Louisiana Pacific Corporation, dated December 8, 1976) will combine to minimize leachate formation and danger to groundwater in the area. Therefore, the requirements adequately comply with the State Board Guidelines cited above.

Petitioner contends that the Regional Board erred in failing to take into consideration the proximity of the existing Caspar waste disposal site. We do not find it necessary to consider the location of another disposal site as long as the waste discharge requirements are in compliance with the State Board regulations and guidelines discussed above such that there will be minimal production of leachate at the site. If the discharger is not, in fact, complying with the requirements of Regional Board Order No. 77-33, because of factors that result from proximity to the existing Caspar waste disposal site or for whatever reason,

this non-compliance should be brought to the attention of the Regional Board for appropriate action. Similarly, any evidence of non-compliance by the existing Caspar disposal site with applicable waste discharge requirements should be brought to the attention of the Regional Board.

Later in this order (see page 12) we amend Discharge Specification A3 and the Monitoring and Reporting Program for this project for the reasons specified on page 12. In conclusion, we find that Regional Board Order No. 77-33, and in particular Discharge Specifications Nos. 3 (as amended by this order), 5, 7-13, 15 and 16 of the Order, in conjunction with the Monitoring and Reporting Program for the discharge as amended by this order, will sufficiently protect groundwater in the area of the Caspar wood waste disposal site.

2. Contention: Petitioner C. J. Callahan, whose property abuts the Caspar wood waste disposal site, asserts that the Regional Board erred in failing to make effective provision for responsibility for the site in the future.

Findings: Regional Board Order No. 77-33 states:

"This Board considers the property owner to have a continuing responsibility for correcting any problems which may arise in the future as a result of this waste discharge or water applied to this property during subsequent use of the land for other purposes." (Regional Board Order No. 77-33, Section B.8.)

The waste discharge requirements remain in effect until amended or rescinded. Therefore, monitoring and reporting requirements, as well as the above cited provision, will be applicable even after the disposal operation is completed. It should also be noted that Provision 7 of the requirements orders Louisiana Pacific to submit to the Regional Board ninety days prior to closure

of the site a technical report and plan to ensure continuing protection of groundwater subsequent to closure of the site. It is the normal practice of Regional Boards not to amend or rescind requirements until a discharge is terminated and the threat to water quality has ceased. Louisiana Pacific Corporation will thus have a continuing responsibility to correct any problems that may arise as a result of this discharge. However, in order to ensure that if appropriate, any subsequent owner of the property may also be subjected to waste discharge requirements, Provision B.8. of the Regional Board's requirements, set forth above, should be amended to require the discharger to notify the Regional Board if the property is sold and notify the buyer of the property of the existence and contents of the waste discharge requirements. We, therefore, amend Provision B.8. by the addition of the following language: The discharger shall notify the Regional Board upon sale of the disposal site or any portion thereof and shall notify the purchaser of the existence and contents of this order.

Since all three sets of requirements under consideration in this order contain the same provisions regarding continuing responsibility of the discharger, they should all be similarly amended. We, therefore, adopt the same amendments to Provision B.8. in Orders Nos. 77-32 and 77-34.

We find that the requirements with the above discussed amendments make adequate provision for any future threats to water quality in the area.

3. Contention: Petitioners Lea Anderson and Judith Greenleaf assert that the Regional Board acted with inadequate information concerning possible pollution of local water sources from contamination of groundwater by the Louisiana Pacific Corporation's Little River wood waste disposal site.

Findings: In particular, petitioners object to the fact that test holes made on the site were done in a drought year before the winter rains began. Louisiana Pacific Corporation made the test holes in the proposed site in late November 1976. The tests indicated that groundwater is approximately nine feet beneath the site. As a result, Order No. 77-34, Discharge Specification No. 3 requires that no Group 2 wastes shall be deposited in any area excavated more than four feet below the elevation of the natural ground surface.

The State Board Guidelines for Waste Discharge Requirements for Nonsewerable Waste Disposal to Land, Disposal Site Design and Operation Information, as cited relative to Contention No. 2, discussed above, state that the minimum distance between Group 2 waste and the highest anticipated groundwater level should be five feet, unless certain factors would permit a reduced distance. Due to the drought condition that existed at the time the test holes were made, it is possible that the minimum five feet separation between the actual water table at the time of adoption of the requirements and the maximum depth of trenches receiving waste may not be adequate. Therefore, we amend Discharge Specification A.3. of the waste discharge requirements and the second paragraph of Monitoring and Reporting Program No. 77-34 as follows:

1. Discharge Specification A.3.: No Group 2 wastes shall be deposited in any area excavated more than four feet below the elevation of the natural ground surface. If monthly monitoring indicates that the groundwater table is less than nine feet beneath the surface, no Group 2 wastes which are deposited subsequent to the monitoring report shall be deposited in any area excavated within five feet of the highest groundwater table.

2. Monitoring: Three groundwater monitoring wells shall be installed at locations approved by the Executive Officer. One well shall be located up the hydraulic gradient from the site and shall be used to predict the depth of the water table.

Since the Big River disposal site is a fill and cover, rather than trench and cover, operation the potential problem is runoff from the site, rather than groundwater infiltration. The monitoring requirements of Order No. 77-32 are written accordingly and thus do not require the above discussed modification. However, the Caspar site, like the Little River site discussed above, involves excavation and therefore potential groundwater degradation. Test holes for this site were also made during a drought year and therefore the requirements for this site should also be amended. The test holes drilled in connection with this set of requirements indicated that the groundwater level was ten, rather than nine, feet below the ground surface, which requires a slight modification in the above specification. We, therefore, adopt the following amendments to Discharge Specification A.3. of Regional Board Order No. 77-33 and to the second paragraph of Monitoring and Reporting Program No. 77-33:

1. Discharge Specification A.3.: No Group 2 wastes shall be deposited in any area excavated more than five feet below the elevation of the natural ground surface. If monthly monitoring indicates that the groundwater table is less than ten feet beneath the surface, no Group 2 wastes which are deposited subsequent to the monitoring report shall be deposited in any area excavated within five feet of the highest groundwater table.

2. Monitoring: Three groundwater monitoring wells shall be installed at locations approved by the Executive Officer. One well shall be located up the hydraulic gradient from the site and shall be used to predict the depth of the water table.

4. Contention: Several issues were raised relative to compliance with the California Environmental Quality Act (CEQA). Petitioners C. J. Callahan, Lea Anderson and Judith Greenleaf object to the fact that negative declarations, rather than Environmental Impact Reports (EIRs), were prepared relative to the wood waste disposal sites. Petitioner Clean Water Action Project asserts that the Regional Board erred in merely considering adverse

environmental impacts on water quality rather than considering all environmental impacts, including those which are non water quality related.

Findings: Each of these contentions must be reviewed in light of the recent amendments to CEQA which were effective January 1, 1978. These amendments place considerable limitations on the involvement of a Regional Board as a responsible agency in the CEQA process and thus limit our options in resolving the issues raised herein.

The County of Mendocino, as Lead Agency, issued a negative declaration for each wood waste disposal site and found that there would be no significant effect on the environment. Petitioners object to the fact that negative declarations, rather than EIRs, were prepared. However, the Lead Agency has the responsibility for determining whether an EIR or negative declaration shall be required for any project subject to CEQA. Such determination is final and conclusive on all persons, including responsible agencies, unless challenged as provided in Public Resources Code Section 21167 (Public Resources Code Section 21080.1). Section 21167 establishes the time limits within which actions based on noncompliance with CEQA must be commenced. ^{1/}

The County of Mendocino filed a negative declaration for each

1. Section 21167 reads as follows:

Any action or proceeding to attack, review, set aside, void, or annul the following acts or decisions of a public agency on the grounds of noncompliance with this division shall be commenced as follows:

(a) An action or proceeding alleging that a public agency is carrying out or has approved a project which may have a significant effect on the environment without having determined whether the project may have a significant effect on the

project with the County Clerk on February 7, 1977, but Notices of Determination were never filed. "Notice of Determination" is the name which the Resources Agency's Guidelines for Implementation of CEQA (Title 14, California Administrative Code, Chapter 3, Section 15083(f)) have given to the notice which must be filed by state and local agencies to notify interested persons that a decision has been made to carry out or approve a project. This is the notice required by Sections 21108(a) and 21152(a) of CEQA and referred to in Sections 21167(b), (c), and (e) set forth in footnote 1, below.

environment shall be commenced within 180 days of the public agency's decision to carry out or approve the project, or, if a project is undertaken without a formal decision by the public agency, within 180 days after commencement of the project.

(b) Any action or proceeding alleging that a public agency has improperly determined whether a project may have a significant effect on the environment shall be commenced within 30 days after the filing of the notice required by subdivision (a) of Section 21108 or subdivision (a) of Section 21152.

(c) Any action or proceeding alleging that an environmental impact report does not comply with the provisions of this division shall be commenced within 30 days after the filing of the notice required by subdivision (a) of Section 21108 or subdivision (a) of Section 21152 by the lead agency.

(d) Any action or proceeding alleging that a public agency has improperly determined that a project is not subject to the provisions of this division pursuant to subdivision (b) of Section 21080 [emergency projects, ministerial projects, etc.] or pursuant to Section 21085 [categorically exempt projects] or 21172 [disaster relief and repair projects] shall be commenced within 35 days after the filing by the public agency, or person specified in subdivision (b) or (c) of Section 21065, of the notice authorized by subdivision (b) of Section 21108 or subdivision (b) of Section 21152. If such notice has not been filed, such action or proceeding shall be commenced within 180 days of the public agency's decision to carry out or approve the project, or, if a project is undertaken without a formal decision by the public agency, within 180 days after commencement of the project.

(e) Any action or proceeding alleging that any other act or omission of a public agency does not comply with the provisions of this division shall be commenced within 30 days after the filing of the notice required by subdivision (a) of Section 21108 or subdivision (a) of Section 21152.

A review of the circumstances covered by the various subsections of Section 21167 leads us to conclude that this particular situation was not specifically contemplated at the time Section 21167 was adopted. As a result, none of the time limitations discussed therein are applicable. However, since the longest time allowed by Section 21167 for commencement of an action based on noncompliance with CEQA is 180 days even where a project is commenced with no CEQA compliance whatsoever (see Section 21167(a) set forth in note number 1), we do not feel that the legislature intended to permit any challenge based on noncompliance with CEQA to be allowed unless it occurs within a maximum time of 180 days from the public agency's decision to carry out or approve the project, or, if a project is undertaken without a formal decision by the public agency, within 180 days after commencement of the project. All of the projects were approved by Mendocino County on or before April 12, 1977. Since 180 days have passed, we cannot challenge the Lead Agency's decision to prepare a negative declaration, rather than an EIR. Therefore, an inquiry into the propriety of that decision at this time is inappropriate. Had the petitioners wished to directly challenge the decision of Mendocino County to prepare a negative declaration, they of course had a right to do so.

In considering the assertion that the Regional Board erred in merely considering adverse environmental impacts on water quality rather than considering all environmental impacts, including those which are non water quality related, we have reviewed the record of the Regional Board hearing which was held prior to adoption of the discharge requirements on February 24, 1977. The Regional Board did hear evidence on non water quality effects of the proposed projects, although the actual finding relative to CEQA in each set of waste discharge requirements states "the County of Mendocino

has issued a negative declaration for this project and found no significant environmental effects. The Regional Board finds that this project will not cause adverse environmental impacts on water quality if conducted in accordance with the limitations and provisions contained in this order." (Regional Board Orders Nos. 77-32, 77-33 and 77-34, Finding No. 8). We find it unnecessary to consider whether this action by the Regional Board was sufficient to comply with the provisions of CEQA as in effect at that time since the recent amendments to CEQA limit a responsible agency to consideration of only the effects of those activities involved in a project which it is required by law to carry out or approve [Public Resources Code Section 21002.1 (d)]. It would therefore be senseless to consider whether or not to remand the discharge requirements to the Regional Board since the statute now limits their review to environmental impacts on water resources. Thus, we will make no determination as to the propriety of the Regional Board's considerations and findings relative to environmental impacts.

Petitioner, the Clean Water Action Project, states that the Regional Board improperly delegated a consideration of some of the environmental effects to a local agency, Mendocino County. As explained above, this issue is mooted by the present CEQA limitations on the Regional Board as a responsible agency to review of solely water resource related environmental effects.

Finally, said petitioner contends that the action taken by the Regional Board was not sufficient to qualify as a "functional equivalent" for use in lieu of an EIR. Since the Regional Board

never asserted that its action was a "functional equivalent", we do not find it necessary or appropriate to deal with this contention.

III. CONCLUSIONS

After review of the record, and consideration of the contentions of the petitioners and for the reasons discussed above, we conclude as follows:

1. Regional Board Order No. 77-33 as amended by this order in conjunction with the Monitoring and Reporting Program for the discharge as amended by this order will sufficiently protect groundwater in the area of the Louisiana Pacific Corporation's Caspar wood waste disposal site.

2. Provision B.8. of Order No. 77-33 is amended by the addition of the following language: The discharger shall notify the Regional Board upon sale of the disposal site or any portion thereof and shall notify the purchaser of the existence and contents of this order. With this amendment, Regional Board Order No. 77-33 makes effective provision for continuing responsibility for the Caspar wood waste disposal site in the future.

3. Since all three sets of requirements under consideration in this order contain the same provisions regarding continuing responsibility of the discharger, we amend Provision B.8. of Orders Nos. 77-32 and 77-34 as discussed in Conclusion 2 above.

4. In order to assure adequate protection of groundwater in the area of Louisiana Pacific Corporation's Little River wood waste disposal site, we amend Regional Board Order No. 77-34 and the second paragraph of Monitoring and Reporting Program 77-34 as follows:

a. Discharge Specification A.3.: No Group 2 wastes shall be deposited in any area excavated more than four feet below the elevation of the natural ground surface. If monthly monitoring indicates that the groundwater table is less than nine feet beneath the surface, no Group 2 wastes which are deposited subsequent to the monitoring report shall be deposited in any area excavated within five feet of the highest groundwater table.

b. Monitoring: Three groundwater monitoring wells shall be installed at locations approved by the Executive Officer. One well shall be located up the hydraulic gradient from the site and shall be used to predict the depth of the water table.

5. Since the test holes for all three sites under consideration in this order were made during a drought year, and the Caspar site is to be excavated in a manner comparable to the excavation at the Little River site, we amend Discharge Specification A.3. of Regional Board Order No. 77-33 and the second paragraph of Monitoring and Reporting Program No. 77-33 as follows:

a. Discharge Specification A.3.: No Group 2 wastes shall be deposited in any area excavated more than five feet below the elevation of the natural ground surface. If monthly monitoring indicates that the groundwater table is less than ten feet beneath the surface, no Group 2 wastes which are deposited subsequent to the monitoring report shall be deposited in any area excavated within five feet of the highest groundwater table.

b. Monitoring: Three groundwater monitoring wells shall be installed at locations approved by the Executive Officer. One well shall be located up the hydraulic gradient from the site and shall be used to predict the depth of the water table.

6. The time limitations for challenge to the Lead Agency's determination to prepare a negative declaration, rather than an EIR, make further inquiry into this issue inappropriate.

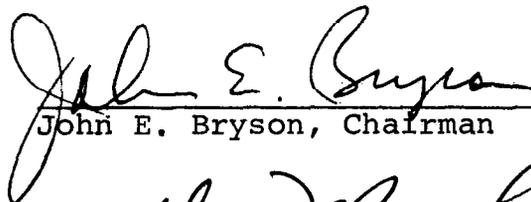
7. In light of the recent amendments to CEQA, no further action by the Regional Board is necessary to comply with the provisions of the Act.

IT IS, THEREFORE, ORDERED that:

1. The petitions for review of Regional Board Orders Nos. 77-32, 77-33 and 77-34 are denied.

2. Orders Nos. 77-32, 77-33 and 77-34 are amended as set forth in our conclusions, above.

Dated: SEP 25 1978



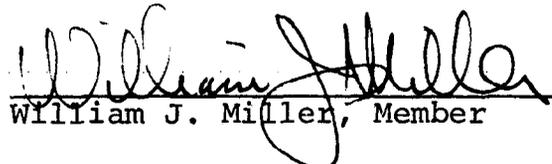
John E. Bryson, Chairman



W. Don Maughan, Vice Chairman

ABSENT

W. W. Adams, Member



William J. Miller, Member



L. L. Mitchell, Member

